

EXHIBIT H

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl Tertiary Butyl Ether ("MtBE")
Products Liability Litigation

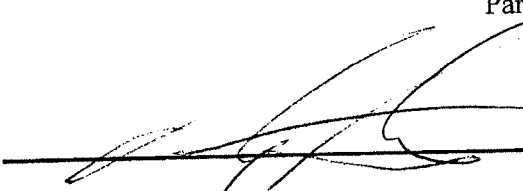
MDL No. 1358
Master File C.A. No.
1:00-1898 (SAS)

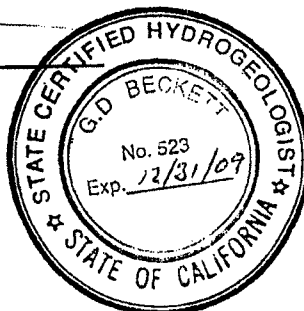
This document relates to the following cases:

City of New York v. Amerada Hess Corp., et al.
04 Civ. 3417

EXPERT REPORT OF G.D. BECKETT, C.Hg.

AQUI-VER, INC.
6871 North 2200 West, #8F
Park City, UT 84098


Signature



February 6, 2009

Date

pertaining to these 33 sites. While there may be other sites of concern or interest, I believe these sites should be reflective of the overall environmental responses in the area.

The key information reviewed relates to the chronology of actions following a known or potential gasoline release(s) from 1980 forward. This includes, if found:

1. Release and spill reports, tank or line failures, or other related information indicative of a known or probable release event.
2. Reports or other documents indicative of characterization activities, and to the degree possible, the type and scope of those activities.
3. Reports or other documentation indicative of interim and comprehensive remediation actions.

Adequacy of Actions Opinions

In my view, an adequate set of environmental responses to MTBE generally includes: a) rapid and robust plume assessment of the source area and dissolved-phase plume distribution (lateral and vertical); b) assessment of local fate and transport conditions; c) identification of nearby receptors and present/future water uses; d) interim cleanup actions (if warranted); e) detailed and comprehensive plume management and implementation that may include one or more components addressing source-zone treatment, plume containment, groundwater treatment and/or replacement actions.

In summary, my opinion is that the majority of parties responsible for release sites did not execute adequate actions to protect the groundwater resource from MTBE contamination. As mentioned, it is my belief that this is commonly an outcome of applying past practices for non-MTBE releases ineffectively to a new contaminant issue. Characterization activities were generally slow (many years). Most sites proximate to the Queens groundwater pumping locations did not implement near-term interim remediation actions (actions occurring in less than 1 year). Table 1 is a compilation of key chronology points for the sites reviewed, where the lag between release knowledge and actions are shown. Figure 2 shows maximum MTBE concentrations reported in groundwater at sites where that information was found in the review materials; Attachment 1 is a figure prepared by Donald Cohen (Malcolm Pirnie) showing MTBE impacts at production wells in the Queens groundwater system.

As an example on what defines an adequate response to MTBE releases, the California State Water Resources Control Board (SWRCB) completed a final draft memo pertaining to MTBE management in March 2000. That document, among other things, provided a recommendation for setting site priorities based on release proximity and concentration relative to groundwater receptors in the vicinity (Figure 3 below). Class A sites are the highest priority in this technical scheme (close to groundwater wells and/or having high enough concentrations to be a potential threat). Many of the sites reviewed for this case would fall in the highest priority classification, meaning that rapid and effective actions needed to be taken for adequate protection of resources. Class A sites are expected in the California document to have tangible protective action plans within one year of release

only 7 out of 33 cases were likely effective for local area cleanup, and of those, only 1 for possible offsite effectiveness. This conclusion may be ascribed to limitations of the remediation technique, the breadth of its application, or other related factors. It took an average of 14.4 years for final remediation attempts to be implemented at these sites, again, irrespective of whether they were effective or not. Some of the remediation efforts were likely effective near the release area(s), but few if any were likely effective for downstream migration of MTBE into the wider aquifer. The limitations to the characterization data available make difficult a full determination as to downstream and offsite remediation effectiveness.

In contrast to the majority of sites, the BP Amoco #560 at 137-10 94th Avenue displayed characterization activities within 6 months of knowledge of an issue. Remediation efforts at that site also began quickly (within a couple months), but as above, documentation is not available as to its effectiveness. At the BP Amoco #13405 at 212-01 Hillside Avenue, both characterization and initial remediation actions took place in less than one year. A handful of other sites had characterization and/or remediation actions taken in less than 1 year, as shown on Table 1. These sites, in my opinion, took at least some proactive actions to protect the groundwater resources.

As mentioned, in all cases, I was unable to confirm the effectiveness of remediation actions with regard to offsite MTBE impacts (except in one case where MTBE was present offsite at only 3 ug/l). While there may have been some isolated cases of successful actions, the widespread MTBE impacts in the Queens groundwater system directly indicate that most were not likely effective. Further, any localized cleanup actions that occur after widespread spreading of contamination have only marginal benefit; if the cows have already left the barn, fixing the gate after them is nice, but there is a lot of roundup left to do.

Other Witness Opinions Reviewed

1. I have broadly reviewed components of the expert opinions of Donald Cohen (Malcolm Pirnie) and David Terry (LBG) that pertain to my opinion. The review assisted in selecting a representative subset of sites for my review.
2. I have broadly reviewed components of the work of Marcel Moreau to assist in constructing a basic chronology of events at the release sites of interest.
3. I have briefly reviewed the opinions of Thomas Maguire, Marcia Williams, and Joyce Rizzo; none of these opinions pertain directly to the adequacy of investigation, remediation, and protectiveness actions in the subject area.

The opinions by others above are informative, but do not affect my fundamental opinions herein. If additional information becomes available and affects the site action chronologies discussed above, then my opinions may change, and as mentioned previously, I reserve the right to do so.

Site ID	Street No.	Street Name	Max GW MTBE (ug/l)	Date of 1st potential release issue	Note on release	Date of first confirmed MTBE detection (GW, soil, soil vapor)	Date of 1st Characterization	Time Lag (yrs)	Date of Last Characterization	Note on date of Characterization	Time Lag (yrs)
D-001	202-06	Hillside Ave	1020	9/7/1990	TPH at bottom of tank excavation up to 3,600 ppm but MTBE not tested (or reported).	1/1/1999	1/1/1998	7.32	4/1/2001	Vertical and offsite characterization.	18.41
D-002	211-60	Hillside Ave	27.2	6/1/1987	Twelve gasoline UST's failed tank test. No MTBE data.	4/14/2004	3/4/2004	16.76	7/16/2004	Last report available.	17.13
D-003	211-02	Jamaica Ave	58100	4/26/1990	Tank test failure.	3/7/1994	7/31/1995	5.26	7/28/1998	Date of last delineation well installed. GW monitoring continued through 2008.	8.25
D-004	212-01	Hillside Ave	0	12/1/2005	MTBE impacted soil found at tank pull. (could not verify MTBE data source)	12/1/2005	10/20/2006	0.88	2/12/2007	Date of last well installed - unknown if further work after Feb 2007.	1.20
D-005	118-02	Queens Blvd	38700	2/12/1986	Tank test failure.	6/1/1986	8/31/1994	8.55	None*	Little to no data available.	14.43
D-008	118-11	Atlantic Ave	Not tested - not detected in soil	11/1/1994	Tank test failure. Contaminated soil found but MTBE and VOCs not detected above the MDL during tank upgrade. Sparse data in file.	No MTBE data found.	None*	14.26	None*		14.26
D-009	119-01	Atlantic Ave	Not available	10/24/2003	Failed reconciliation.	11/31/2003	None*	5.28	None*	No soil boring or well records found in file.	5.28
D-011	134-30	Atlantic Ave	Not tested	5/23/2002	Impacted soil found when pulling tanks. (possible earlier release in Aug 28, 1996 when "dipstick holes in remote filling" were noticed).	5/23/2002	None*	6.70	None*	No characterization records in files.	6.70
D-012	118-29	Queens Blvd	Not available (uncertain if tested)	12/22/1997	Tank test failure.	No data available.	1/2/2001	3.03	None*	No MTBE analytical data available for review.	11.12
D-013	241-15	Hillside Ave	Not available (uncertain if tested)	7/19/1989	Tank test failure.	4/29/1999	None*	19.55	None*	None found in records.	19.55
NA (108-46 Merrick Blvd.)	108-46	Merrick Blvd.	17000	10/25/1988	Tank test failure.	3/18/2005	3/18/2005	16.39	11/12/2007	Date of last well installation. GW monitoring ongoing as of 2008.	19.05
s6-001	138-50	Hillside Ave	Not available (uncertain if tested)	5/17/1994	Impacted soil found in excavation for new canopy.	No data available.	None*	14.72	None*	None found in records.	14.72